

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 172, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 20-7.5-1-2 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. As used in this
5 chapter:
6 (a) "School corporation" means any local public school corporation
7 established under Indiana law and, in the case of public vocational
8 schools or schools for children with disabilities established or
9 maintained by two (2) or more school corporations, shall refer to such
10 schools.
11 (b) "Governing body" shall mean the board or commission charged
12 by law with the responsibility of administering the affairs of the school
13 corporation.
14 (c) "School employer" means the governing body of each school
15 corporation and any person or persons authorized to act for the
16 governing body of the school employer in dealing with its employees.
17 (d) "Superintendent" shall mean the chief administrative officer of
18 any school corporation, or any person or persons designated by the
19 officer or by the governing body to act in the officer's behalf in dealing
20 with school employees.
21 (e) "School employee" means any full-time certificated person in the

employment of the school employer. A school employee shall be considered full time even though the employee does not work during school vacation periods, and accordingly works less than a full year. There shall be excluded from the meaning of school employee supervisors, confidential employees, employees performing security work and noncertificated employees.

(f) "Certificated employee" means a person whose contract with the school corporation requires that he hold a license or permit from the state board of education or a commission thereof as provided in IC 20-6.1.

(g) "Noncertificated employee" means any school employee whose employment is not dependent upon the holding of a license or permit as provided in IC 20-6.1.

(h) "Supervisor" means any individual who has:

(1) authority, acting for the school corporation, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline school employees;

(2) responsibility to direct school employees and adjust their grievances; or

(3) responsibility to effectively recommend the action described in ~~subsections~~ **subdivisions** (1) through (2);

that is not of a merely routine or clerical nature but requires the use of independent judgment. The term includes superintendents, assistant superintendents, business managers and supervisors, directors with school corporation-wide responsibilities, principals and vice principals, and department heads who have responsibility for evaluating teachers.

(i) "Confidential employee" means a school employee whose unrestricted access to confidential personnel files or whose functional responsibilities or knowledge in connection with the issues involved in dealings between the school corporation and its employees would make the confidential employee's membership in a school employee organization incompatible with the employee's official duties.

(j) "Employees performing security work" means any school employee whose primary responsibility is the protection of personal and real property owned or leased by the school corporation or who performs police or quasi-police powers.

(k) "School employee organization" means any organization which has school employees as members and one (1) of whose primary purposes is representing school employees in dealing with their school employer, and includes any person or persons authorized to act on behalf of such organizations.

(l) "Exclusive representative" means the school employee

1 organization which has been certified for the purposes of this chapter
2 by the board or recognized by a school employer as the exclusive
3 representative of the employees in an appropriate unit as provided in
4 section 10 of this chapter, or the person or persons duly authorized to
5 act on behalf of such representative.

6 (m) "Board" means the Indiana education employment relations
7 board provided by this chapter.

8 (n) "Bargain collectively" means the performance of the mutual
9 obligation of the school employer and the exclusive representative to
10 meet at reasonable times to negotiate in good faith with respect to items
11 enumerated in section 4 of this chapter and to execute a written
12 contract incorporating any agreement relating to such matters. Such
13 obligation shall not include the final approval of any contract
14 concerning these or any other items. Agreements reached through
15 collective bargaining are binding as a contract only if ratified by the
16 governing body of the school corporation and the exclusive
17 representative. The obligation to bargain collectively does not require
18 the school employer or the exclusive representative to agree to a
19 proposal of the other or to make a concession to the other.

20 (o) "Discuss" means the performance of the mutual obligation of the
21 school corporation through its superintendent and the exclusive
22 representative to meet at reasonable times to discuss, to provide
23 meaningful input, to exchange points of view, with respect to items
24 enumerated in section 5 of this chapter. This obligation shall not,
25 however, require either party to enter into a contract, to agree to a
26 proposal, or to require the making of a concession. A failure to reach
27 an agreement on any matter of discussion shall not require the use of
28 any part of the impasse procedure, as provided in section 13 of this
29 chapter. Neither the obligation to bargain collectively nor to discuss
30 any matter shall prevent any school employee from petitioning the
31 school employer, the governing body, or the superintendent for a
32 redress of the employee's grievances either individually or through the
33 exclusive representative, nor shall either such obligation prevent the
34 school employer or the superintendent from conferring with any
35 citizen, taxpayer, student, school employee, or other person considering
36 the operation of the schools and the school corporation.

37 (p) "Strike" means concerted failure to report for duty, willful
38 absence from one's position, stoppage of work, or abstinence in whole
39 or in part from the full, faithful, and proper performance of the duties
40 of employment, without the lawful approval of the school employer, or
41 in any concerted manner interfering with the operation of the school
42 employer for any purpose.

1 (q) "Deficit financing" with respect to any budget year shall mean
 2 expenditures in excess of money legally available to the employer.

3 (r) **"Teacher" has the meaning set forth in IC 20-6.1-1-8."**

4 Page 1, line 11, delete "certificated employees" and insert
 5 **"teachers"**.

6 Page 2, delete lines 4 through 14, begin a new line block indented
 7 and insert:

8 **"(10) Appointment by the exclusive representative of teachers**
 9 **to serve on statutory or locally created committees of the**
 10 **school corporation. However, if this matter is bargained**
 11 **collectively, the contract must provide that the percentage of**
 12 **teacher positions the exclusive representative may appoint to**
 13 **serve on a committee may not exceed the percentage of**
 14 **teachers in the school corporation who are members of the**
 15 **exclusive representative. The percentage applies to the**
 16 **number of teacher positions on a committee, not to the total**
 17 **number of positions on a committee."**

18 Renumber all SECTIONS consecutively.

(Reference is to SB 172 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 6, Nays 4.

Senator Harrison, Chairperson